

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

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MINGJI AVE4 REALTY, LLC and STAR UNIVERSE  
RENOVATION CORP.,

Plaintiffs,

-against-

COLONY INSURANCE COMPANY, PELEUS  
INSURANCE COMPANY, and TRAVELERS CASUALTY  
INSURANCE COMPANY OF AMERICA,

Defendants.

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TO: **Clerk of the Court**  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Civil Action No. \_\_\_\_\_

**NOTICE OF REMOVAL**

**COMES NOW** the Defendant, Travelers Casualty Insurance Company of America (“Travelers”), by and through its attorneys, Usery & Associates, and hereby invokes this Court’s jurisdiction under the provisions of 28 USC §§ 1332(a), 1441 and 1446, stating the following grounds in support of the removal of the above-captioned case from the New York Supreme Court, County of Kings to the United States District Court for the Eastern District of New York.

1. The above-captioned action was commenced by Plaintiffs Mingji Ave4 Realty, LLC (“Mingji”) and Star Universe Renovation Corp (“Star”) in the Supreme Court of New York, County of Kings, by the filing of a Summons and Complaint on or about March 7, 2023, Index No. 507004/2023 (the “State Action”).

2. A copy of Plaintiffs’ Complaint is hereto annexed as **Exhibit A**.

3. On September 22, 2023, Plaintiffs filed an Amended Complaint in the State Action, a copy of which is annexed hereto as **Exhibit B**.

4. On October 9, 2023, Travelers first received service of the Amended Complaint filed on September 22, 2023.

5. In the State Action, Plaintiff asserts claims against Travelers and seeks a judgment declaring that Travelers has a duty to defend and a duty to indemnify Mingji and Star in an underlying action captioned *Luis Angel Gomez v. Mingji Ave4 Realty LLC, Star Universe Renovations Corp., Eric & Ng Electrical Inc., and W 8 Electric Corp.* (the “Underlying Action”) which is pending in the Supreme Court of the State of New York, County of Bronx, Index No. 816681/2022E.

6. In the Underlying Action, Luis Angel Gomez (the “Claimant”) asserts negligence and state labor law violations against the defendants, including Mingji and Star, for injuries allegedly sustained while working at a construction project.

7. In the Underlying Action, the Claimant alleges he was severely injured, bruised and wounded, suffered, still suffers and will continue to suffer for some time physical pain and bodily injuries and became sick, sore, lame and disabled, was caused to expend large sums of money for medical aid and attention and has been unable to attend to his usual occupation in the manner required.

8. 2M6 Corp. (“2M6”) is insured by Travelers pursuant to a policy of Commercial General Liability Insurance bearing policy number 680-7T315462-22-42, with effective dates of July 22, 2022 through July 22, 2023.

9. Travelers is currently defending 2M6 in connection with the Underlying Action subject to a reservation of rights on indemnification.

10. As set forth above, the State Action is an attempt by Plaintiffs to litigate Travelers’ indemnity obligation in connection with the Underlying Action.

11. All Defendants to this action consent to removal from the Superior Court of New York to the United States District Court for the Eastern District of New York.

12. Pursuant to 28 U.S.C. § 1446(a), copies “of all process, pleadings, and orders” received by Travelers are attached hereto. Defendant Travelers has not answered or otherwise responded to the Amended Complaint.

13. Removal of this action from the Supreme Court of New York, County of Kings to the United States District Court for the Eastern District of New York is proper under 28 U.S.C. § 1441(a). The Federal Court would have had original jurisdiction of this action, pursuant to 28 U.S.C. § 1332 and based upon diversity of citizenship, had this action been commenced in Federal Court in the first instance.

14. Upon information and belief and as alleged in the Complaint, Mingji is a domestic limited liability company with a designated county of venue of Kings County, New York and is, therefore, a citizen of the State of New York. *See Ex. A, ¶ 2.*

15. Upon information and belief and based on available filings with the New York State Department of State Division of Corporations, Mingji’s sole member is a resident in Kings County, New York, and is, therefore, a citizen of the State of New York.

16. Upon information and belief and as alleged in the Complaint, Star is a domestic corporation with a designated county of venue of Richmond County, New York and is, therefore, a citizen of the State of New York. *See Ex. A, ¶ 3.*

17. Travelers is a Connecticut corporation with its principal office for the transaction of business in the State of Connecticut and is, therefore, a citizen of the State of Connecticut. *See Ex. B, ¶ 6.*

18. Upon information and belief, the amount in controversy as set by the indemnity

value exceeds the sum of value of \$75,000.00, exclusive of interest and costs, and is between citizens of different states.

19. Pursuant to 28 U.S.C. § 1332(a)(1), the United States District Court for the Eastern District of New York shall have original jurisdiction of this proceeding.

20. This Notice of Removal is timely because the Complaint in this action was delivered to Travelers on October 9, 2023, after having been served by way of the New York Department of Financial Services, and this notice was filed within thirty (30) days of receipt of that pleading and within one year of the date upon which this action is commenced.

21. Travelers submits this Notice of Removal without waiving any defenses to Plaintiffs' claims or conceding that Plaintiffs has pled any claims upon which relief may be granted. Nor does Travelers waive any affirmative claims and/or actions concerning this matter. Further, by filing this Notice of Removal, Travelers does not waive any defenses with respect to adequacy or effectiveness of service of process.

22. Contemporaneous with the filing of this Notice of Removal with the United States District Court for the Eastern District of New York, Travelers is also filing a Notice of Filing of Notice of Removal with the Clerk of the Supreme Court of New York, County of Kings.

**WHEREFORE**, Defendant Travelers Casualty Insurance Company of America, respectfully requests that the State Action be removed from the Supreme Court of New York, County of Kings to the United States District Court for the Eastern District of New York.

Dated: New York, New York  
October 20, 2023

**RESPECTFULLY SUBMITTED:**

**USERY & ASSOCIATES**

By: /s/Tung Sing Wong

Tung Sing Wong  
Tel: 917.778.6429  
Fax: 844.571.3789  
Email: [twong2@travelers.com](mailto:twong2@travelers.com)

Please address all correspondence sent by mail  
to:  
P.O. Box 2996  
Hartford, CT 06104-2996

Physical Address:  
485 Lexington Avenue, 6<sup>th</sup> Floor  
New York NY 10017

*Attorney for Defendant Travelers Casualty  
Insurance Company of America*